IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 30TH AUGUST 2006 / 8TH BHADRA 1928

Bail Appl..No. 5342 of 2006

CRIME NO. 26/2006 EXCISE RANGE, OTTAPPALAM

PETITIONER/ACUSED NO.2.

SANKARANARAYANAN, AGED 44 YEARS,
S/O.AYYAPPAN, PALAKKAPPARAMBIL HOUSE,
PANAMANNA, AMBALAVATTOM P.O. PALAKKAD DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
OTTAPPALAM, PALAKKAD DISTRICT, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/08/2006, ALONG WITH B.A.NO.5343/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 5342/2006 & 5343/2006

DATED THIS THE 30TH DAY OF AUGUST, 2006

O R D E R

The petitioner in B.A.No.5342/2006 is the second accused, in C.R.No.26/2006 of Excise Range, Ottappalam, as he, along with the first accused, is alleged to have committed the offence, under Section 55(a) and (i) of the Abkari Act, for they having possessed six liters of toddy in a shop, belonging to another person, on 14.8.2006 at 12.30 noon. Hence, the second accused is before this Court, under Section 438 Cr.P.C.

2. The petitioner in B.A.No.5343/2006 is the first accused, in the very same crime and he was arrested on 14.8.2006.

3. I heard both sides. Considering the facts situation of the case, I grant bail to the first accused, the petitioner in B.A.No.5343/2006, and release him from jail, subject to the following conditions:-

(a). The petitioner, the first accused, shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Ottappalam.

(b). The petitioner shall report before the Investigating Officer, once in a week on every Friday, between 10.00 a.m and 11.00 a.m., for a period of one month, starting from 8.9.2006.

4. The second accused, the petitioner in B.A.No.5342/2006 is directed to surrender before the Investigating Officer in C.R.No.26/2006 of Excise Range, Ottappalam, on 11.9.2006 between 10.30 a.m and 11.00 a.m.

5. In the event of the arrest of the petitioner, he shall be released on bail, on he executing a bond for Rs.25,000/-, with two solvent sureties, each for the like sum to the satisfaction of the Investigating Officer, arresting him.

6. The petitioner, the second accused, shall report before the Investigating Officer, as and when required, till the final report is filed.

Both the applications are disposed of as above.

J.M.JAMES
JUDGE

mrcs